

Serial No. 10/668,994

PATENT
Docket No. 93690-010100/02-3588**REMARKS**

The office action issued by the Examiner and the citations referred to in the office action have been carefully considered. Claims 1 and 2 have been amended. New claims 3-9 have been added. Support for amendments and new claims can be found throughout the specification, particularly in paragraph [0026]. Consequently, claims 1-9 are pending.

Claim Rejections under 35 USC § 102

The Examiner has rejected Claims and 2 under 35 U.S.C. § 102(b) as being anticipated by Scheibner. (EPO Application 0 089 680). However, Scheibner does not teach all of the elements of the amended claims. The Examiner asserts that Scheibner discloses a container haing "along substantially the entire lengths of the first and second locking members Scheibner discloses an embossed or engraved pattern to form gripping surfaces for assisting a user during the opening.

However, the Scheibner reference doe not provide for a printed color indicia as in the present claims. The printed indicia in the present claims allows for more flexibility in the design of the indicia. For example, different graphics, colors and intermittent printing can be accomplished. Additionally, the Schiebner reference does not provide for a colored indicator, only an embossed or engraved pattern placed on the surface.

Accordingly, Scheibner does not anticipate the present claims. The present claims are directed towards a container or web arrangement having "printed color visual indicia means provided by printing automatically and directly applied across at least one of the webs in the vicinity." Nowhere in the Scheibner reference is there a disclosure, teaching or suggestion of a visual indicia means that is printed onto the container. .

In the absence of any teaching or suggestion as presently claimed, in the Scheibner reference, anticipation of the present claims is negated. This is because all elements of the claimed invention must be disclosed in a single reference for anticipation to exist. Atlas Powder

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Co. v. E. I. DuPont de Nemours & Co., 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984). Missing elements cannot be supplied by the knowledge of one skilled in the art or the disclosure of another reference in order to give rise to an anticipation rejection. Structural Rubber Products Co. v. Park Rubber Co., 749 F.2d 707, 223 U.S.P.Q. 1264 (Fed. Cir. 1984).


Accordingly, the absence of any disclosure or teaching in Scheibner of a container with a printed visual indicia means signifies that there is no anticipation rejection. Thus the Applicants respectfully request that the Examiner withdraw the 35 U.S.C. 102 (b) rejections to claims 1 and 2.

Conclusion

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 93690-010100/02-3588 is referred to when charging any payments or credits for this case.

Respectfully submitted,


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